IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 11TH AUGUST 2006 / 20TH SRAVANA 1928

Bail Appl..No. 4665 of 2006

CRIME NO.121/2006 OF MATTANNUR POLICE STATION

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PETITIONERS/ACCUSED

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1. THAYYIL SIYAD,
   S/O.ABDUL KAREEM, AGED 25 YEARS,
   SABOOR VILLA, KASHIMUKKU, CHAVASSERY AMSOM,
   DESOM.

2. P.K.SAJIR, S/O.ISSA,
   AGED 22 YEARS, RESIDING AT KELOTH HOUSE,
   CHAVASSERY AMSOM DESOM.

3. T.N.NOUFAL, S/O.MUHAMMED,
   AGED 21 YEARS, MUMTHAZ MANZIL,
   19TH MILE, CHAVASSERY AMSOM DESOM.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
MATTANNUR POLICE STATION, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4665/2006

DATED THIS THE 11TH DAY OF AUGUST, 2006

O R D E R

The petitioners are accused 2, 3 and 5, in crime No.121/2006 of Mattannur Police Station, the offence alleged against them and two others are being under Section 4 of the Explosive Substances Act and Sections 3 and 25(1)(a) of the Arms Act. It is alleged that accused, who are five in number, were involved in concealing 19 country bombs, 25 swords and two axes, near an open area, in the property of a person by name Edacherry Kalliani, so that these weapons could be used for creating communal violence and retaliation.

2. The learned Public Prosecutor submits that during the relevant month of April 2006, there had been series of incidents, involving persons of two political groups of the area, and there had been number of cases registered. It is consequent on the search of the premises by the police, that weapons were used and the

involvement of the accused were brought out. The prosecution submits that accused 1 and 4 are still absconding. Further submission of the learned Public Prosecutor is that the second accused is involved in two other criminal cases and fifth accused is involved in an another case.

3. After hearing both sides and considering the submissions made by either side, I grant bail and release the petitioners from jail subject to the following conditions:-

> (a). Each petitioner shall execute a bond for Rs.50,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Mattannur.
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> (b). Immediately after the release, the petitioners shall report before the S.H.O of Mattannur Police Station, and from there, proceed out of Kannur District, and shall not enter the District of Kannur, for a period of six months,

except for appearing before the Court below.

(c). The petitioners shall furnish the correct address of the place of their residence, within one week from the date of release, to the S.H.O of Mattannur Police Station.

(d). The petitioners shall not leave the State of Kerala, without the prior permission of the Court below, till the final trial and disposal of the case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs